



Sonoma County Board of Zoning Adjustments STAFF REPORT

FILE: UPC17-0013
DATE: August 13, 2020
TIME: At or after 1:40 PM
STAFF: Justin Klaparda, Project Planner

SUMMARY

Property Owner: Poole Ridge Farms, LLC, Ghassan Murad
Applicant: Poole Ridge Farms, LLC
Address: 2425 Pool Ridge Road, Guerneville
Supervisory District(s): 5
APN: 069-160-027
Description: Request for a five-year limited term Use Permit for a cannabis operation, including 15,000 square feet of outdoor cannabis on a 57.99-acre parcel.
CEQA Review: Categorical Exemption
General Plan Land Use: Resources and Rural Development (RRD) 160-acre density
Specific/Area Plan Land Use: N/A
Ordinance Reference: 26-10-020(tt) – Resources and Rural Development District Uses Permitted with a Use Permit
26-88-250(a); 26-88-250(d); 26-88-250(g) – Commercial Cannabis Uses
26-88-254(f); 26-88-254(g) – Cannabis Cultivation – Commercial
Zoning: RRD (Resources and Rural Development), B6 (160-acre maximum density), SR (Scenic Resources)



RECOMMENDATION

The Permit and Resource Management Department (Permit Sonoma) recommends that the Board of Zoning Adjustments approve the request, with conditions, for a five-year limited term Conditional Use Permit for 15,000 square feet of medium outdoor cannabis cultivation, along with specified conditions of approval, for the property at 2425 Pool Ridge Road in Guerneville.

EXECUTIVE SUMMARY

Poole Ridge Farms, LLC requests a limited-term Use Permit for a commercial cannabis cultivation operation, including 15,000 square feet of outdoor cultivation area within raised pots on existing gravel pads, as described below:

- Total Permitted Cultivation Area = 15,000 square feet
 - 15,000 square feet of outdoor cultivation (Type 3 state license)

No cultivation support activities are proposed as part of project operation.

The applicant/operation is currently participating in the Sonoma County Cannabis Penalty Relief Program and is currently cultivating 15,000 square feet of outdoor cannabis under the program.

The hours of operation for cultivation activities would be 6:00 am to 8:00 pm, seven days a week limited to seasonal outdoor cultivation months (end of April to early November). Shipping and deliveries would be limited from 8:00 am to 5:00 pm. The project would have a maximum of three full-time employees on-site for all outdoor cultivation activities. Two employees will reside on site. The applicant has indicated that employee shifts will be staggered throughout the week and will last between four to eight hours. The use would be closed to the public and would not contain any retail components.

The applicant is not requesting a distribution and transportation permit. Therefore, transportation and distribution would be conducted by a state licensed third party company.

Staff recommends approval of this permit for the following reasons:

1. The project is consistent with the goals and objectives of the General Plan Goals, Objectives and Policies related to public safety and land use and the specific policies for the Resources and Rural Development Area in that it will consist of rural-scale development in a lightly developed rural area. It will comply with policies seeking to protect the natural resources of the area, protect public health and safety, preserve the rural character of the area, and produce an agricultural commodity as consistent with General Plan.
2. Commercial cannabis cultivation is an allowed use with a Conditional Use Permit in the Resources and Rural Development District (RRD) Zoning Classification. The project complies with the development standards and adheres to the operational requirements of the Zoning District within the Sonoma County Code. The project meets all required setbacks, ownership, and square footage limitations. The project will incorporate a security and fencing plan, waste management plan, odor reduction plan, and green energy source compliant with the Sonoma County Code. The project is also consistent with the combining districts as analyzed further in this report.
3. The design, location, size and operating characteristics of the proposed project are considered compatible with the neighborhood and surrounding land uses in the vicinity because the site is not proximate to any occupied areas and will not be detectable from public view due to existing vegetation, setbacks, and intervening site topography. The proposed outdoor cultivation area would cover 15,000



square feet of land which amounts to less than 1% of the 57.99-acre subject property. Access to and from the site will be controlled through a private gated driveway off of Poole Ridge Road; and

4. Based upon the information contained in the permit application included in the project file, it has been determined the project is categorically exempt under CEQA Guidelines Section 15301(a) (Existing Facilities) 15304 and 15304(e) (Minor Alterations to Land) as the project involves limited changes to an existing agricultural operation and limited changes to the physical environment, including minimal grading, no tree removal and no encroachment into environmentally sensitive areas. The Categorical Exemption has been applied in compliance with CEQA State and County guidelines, and the information therein has been reviewed and considered.

PROJECT SITE AND CONTEXT

Background

Regulations:

In October 2015, the Governor signed three bills into law collectively known as the Medical Cannabis Regulations and Safety Act establishing the State's first licensing system for commercial medicinal cannabis activity. In November 2016, California voters approved Proposition 64, legalizing the adult use and possession of cannabis. In June 2017, the Governor signed a bill creating a single regulatory scheme for both medicinal and adult use cannabis businesses.

In response to these changes in the regulation of cannabis, the Sonoma County Board of Supervisors adopted a series of ordinances to establish a comprehensive local program to permit and regulate medical cannabis. These ordinances were created to preserve environmental resources, protect the health and safety of communities, and ensure industry contributes positively to the economic vitality of the County. In December 2016, the Medical Cannabis Land Use Ordinance was adopted as Ordinance No. 6189 and codified in Chapter 26 of the Sonoma County Code, Sections 26-88-250 through 26-88-258. In November 2018, The Board of Supervisors adopted Ordinance No. 6245, Amending Chapter 26 of the Sonoma County Code, to refine and modify the regulations.

On October 16, 2018, the Sonoma County Board of Supervisors adopted an amendment to the Cannabis Ordinance, extending the maximum term of cannabis use permits from one year to five years, authorizing adult use in addition to medical with a use permit, and clarifying a number of additional items. The Board-adopted amendment also changed the minimum lot size allowed for cannabis projects on properties zoned for agricultural or resource purposes (LIA, LEA, DA, and RRD). For these properties, minimum lot size was changed from 5-acres to 10-acres.

Area Context and Surrounding Land Uses

The parcel is a rectangular 57.99-acre parcel located in an unincorporated, rural area in Guerneville, approximately 23.4 miles east of the City of Santa Rosa, and 15.2 miles northeast of Jenner (See ATT 2: Vicinity Map).

Existing development is located in the northwestern portion of the parcel, including one primary residence, three storage sheds, an ADA restroom, and a curved structure that is currently used as storage and garage. An existing domestic water well and an existing domestic septic system serve the main house. The property is currently off the electrical grid and receives power through an existing solar system. The solar system consists of



multiple ground-mounted panels on the southwest side of the primary residence with additional ground-mounted solar panels near the well water pump up the hill, directly south of the residence and cultivation site. Propane provides fuel for heat and water heaters for the residence. The propane tank is located to the northeast of the residence. The Applicant proposes a total of 33,000 gallons of water for the project operation to be contained within 7 water tanks; 10,000 gallons of water will be dedicated for fire suppression.

This surrounding area is largely rural and located within unincorporated Sonoma County. Surrounding parcels are zoned RRD (1 dwelling unit/160 acres). Surrounding land uses are composed primarily of single family residential, large wooded and undeveloped properties, and small-scale agricultural uses. The proposed project abuts two properties and is over 400 feet from the nearest occupied residence and over 1,400 feet from the second nearest residence. The nearest sensitive use is Guerneville Elementary which is located 5 miles to the southeast of the project site. The nearest public park, Riverkeeper Stewardship Park, is located approximately 3.1 miles to the south. The nearest treatment facility, Azure Acres Treatment Center, is located approximately 16.1 miles to the south.

Outdoor cultivation will include 15,000 square feet within a 35,196-square foot area during an outdoor growing season (end of April to early November) with one harvest at the end of the season. Plants would be cultivated using an above-ground technique, with cultivation pots placed on the ground surface utilizing existing gravel pads and the cultivation will be irrigated using above-ground hand watering techniques. No cultivation support activities are proposed as part of project operation.

No new structures are proposed for the project. Therefore, structural development will be similar to the existing condition. Existing structures on site include a permitted residence, three sheds, an ADA restroom, six (6) 5,000-gallon water tanks, one (1) 3,000-gallon water tank, and a curved structure that is used as a garage. The residence provides housing for employees of this project. The parcel is accessed from Pool Ridge Road, a 1.9-mile long, shared private access road. The entrance to the property is a paved driveway that connects to Poole Ridge Road. The driveway and property is screened by existing trees and intervening topography.

As there are three active code violations issued for the parcel, the Applicant proposes to obtain building permits to demolish the existing garage structure and rebuild a required covered parking space, as well as obtain applicable building permits for the ADA restroom facility located adjacent to the residence and for the solar array located to the south of the cultivation site.

According to Permit Sonoma's Permit History Lookup, there were 3 Building Violations issued between June 7, 2017 and June 26, 2019. All cases have since been addressed and the status of each violation is being monitored by Permit Sonoma Code Enforcement Division. There have been no Code Enforcement complaints issued on the property since June 26, 2019. The Applicant will bring all structures into compliance with all Sonoma County, California Building, and Fire Codes. A condition of approval (ATT 1, No. 37) was provided which direct the applicant/operator to address and finalize pending code violations within 60 days of issuance of the Use Permit and prior to issuance of a Use Permit certificate, including but not limited to, demolition of unpermitted structures, construction of a new covered parking space, and permitting of the ADA bathroom. The applicant is compliant on taxes for the Penalty Relief Program and has no prior convictions or arrests.

Direction	Land Uses
North	Resources and Rural Development (RRD): A 40-acre parcel containing a single-family residence
South	Resources and Rural Development (RRD): A 200-acre parcel containing a single family residence
East	Resources and Rural Development (RRD): Undeveloped property 59.37 acres
West	Resources and Rural Development (RRD): Undeveloped property



Significant Applications Nearby

There are four applications for cannabis cultivation use permits within five miles of the subject property. Of these projects, two have been approved by the Board of Zoning Adjustments and the other two are in process with Permit Sonoma.

Access

The parcel is accessed from Pool Ridge Road, a 1.9-mile long, shared private access road. All access for vehicles and trucks would be via an existing paved driveway that connects to Poole Ridge Road. Pool Ridge Road is accessed by Gabes Rock Road. Gabes Rock Road is accessed from the west by State Route 116 (River Road) (See ATT 3: Aerial Map).

Wildfire Risk

The proposed project site is located within a Cal Fire State Responsibility Area and is mapped as being within a High Fire Hazard Severity Zone.

The nearest fire station to the property is the Russian River Fire Protection District, approximately 3.2 miles away from the site.

Emergency access to and from the site will be controlled through an existing private driveway directly from Pool Ridge Road which connects to the nearest County-maintained public road (Gabes Rock Road).

Water/Wastewater/Utilities

The project is located in a Zone 4 Groundwater Availability area, defined by Sonoma County to be an area with “low and highly variable water yield.” An existing domestic water well and an existing domestic septic system serve the main house. The Applicant proposes a total of 33,000 gallons of water for the project operation to be contained within 7 water tanks; 10,000 gallons of water will be dedicated for fire suppression.

The proposed project cultivation area will be irrigated using above-ground hand watering techniques. In the rainy season, water runoff will be controlled via straw wattles that will be kept on site and ready to be deployed along the downstream edges of the outdoor cultivation areas to contain any loose sediment or soil that might migrate outside of the area. All applicable Best Management Practices and Standard Conditions of the North Coast Regional Water Quality Control Board's Order No. 2015-0023 and State Water Board will be documented and maintained onsite and available for inspection by Sonoma County personnel.

Propane provides fuel for heat and water heaters for the residence. The propane tank is located to the northeast of the residence.

The property is currently off the electrical grid and receives power through an existing solar system. The solar system consists of multiple ground-mounted panels on the southwest side of the primary residence with additional ground-mounted solar panels near the well water pump up the hill, directly south of the residence and cultivation site.

Waste Management Plan Description: 1) The project proposal indicates that the applicant/operator will comply with Sonoma County AWM Best Management Practices and applicable Sonoma County waste disposal standards. 2) The project proposal indicates that all garbage, refuse, and recyclable items would be stored in containers with lids with locking mechanisms to ensure no tampering. The operation will recycle or properly



dispose of all waste. All non-cannabis waste and recycling shall be stored in a secure area and will self-haul waste to the Sonoma County Solid Waste Transfer Facility located in Guerneville site for proper disposal on a weekly basis. 3) Green waste will be composted. 4) All cannabis products shall be stored in a secure area that is not visible to the public. The project will produce a small amount of plant waste, generated from the minimal trimming and plant pruning done during the growing stages. All major cannabis trimming, and final separation will occur offsite in a fully licensed cannabis processing facility. Employees will use the California Track and Trace program.

Agricultural Conditions/Land Encumbrances/Contracts

The project site is not in a Land Conservation Act Contract (Williamson Act). The project site is not designated as Farmland of Statewide Importance or Unique Farmland. The project site is designated as Other Land by the California Department of Conservation's Farmland Mapping & Monitoring Program.

Other Environmental Conditions

There are no other significant environmental conditions.

PROJECT DESCRIPTION

Project History

The table below summarizes key project milestones and events.

Date	Project Event/Milestone
July 25, 2017	Application
May 14, 2018	Completeness
May 15, 2018	Referral to prominent agencies
June 1, 2018	Early Neighborhood Notification
December 17, 2019	Application amended
July 13, 2020	Public Hearing Notice

The applicant's original request for a limited-term Use Permit included 9,600 square feet of mixed light cultivation within five greenhouses, up to 33,560 square feet of outdoor cannabis cultivation in raised pots, and associated processing (including drying and curing) to be conducted outdoors on the premises. Harvested plant material would then be transported to another facility for further processing.

On November 13, 2019 Staff conducted a meeting to discuss the project with the Applicant and address project concerns related to fire risk. On December 17, 2019, the applicant submitted an amended site plan and summary of changes to indicate the removal of the mixed light cultivation and associated processing of site grown cannabis. On December 22, 2019, the applicant submitted a revised project description and proposal statement describing the scale of operation to be solely an outdoor cultivation operation consisting of 15,000 square feet of outdoor cannabis cultivation on the existing project footprint. All cannabis products will be processed off site. The mixed light structures and proposed processing operations that were originally proposed were removed from the project's configuration. Furthermore, no new structures are proposed on site and the operation will be powered entirely via solar power.



The applicant amended the application and project description to limit the request to outdoor cultivation only to address concerns regarding fire risk. This staff report and accompanying analysis is limited to the current request for outdoor cultivation.

ANALYSIS

General Plan Consistency

Sonoma County previously determined that cannabis uses (including cultivation) are consistent with the overall goals, objectives, policies, and programs of the Sonoma County General Plan. In adopting the Cannabis Ordinances No. 6189 and No. 6245, the Board of Supervisors concluded that cannabis cultivation and processing may be permitted within the Resources and Rural Development land use designation subject to securing a Use Permit, provided the project is consistent with the overall goals, objectives, policies, and programs of the Sonoma County General Plan.

The Sonoma County 2020 General Plan classifies the project site as Resources and Rural Residential (RRD). The Resources and Rural Development category allows residences at very low densities due to lack of infrastructure, greater distance from public services, poor access, conflicts with resource conservation and production, and significant physical constraints and hazards. RRD lands are intended to protect natural resources, such as timber, geothermal and aggregate resources, and to accommodate very low-density residential development and limited agricultural production where compatible with resource values and available services. In addition, limited development in RRD zones is intended to protect against development of lands constrained by geological hazards, steep slopes, poor soils or water, fire and flood prone areas, biotic and scenic areas, and other environmental constraints.

Staff has concluded that the project is consistent with the overall goals, objectives, policies, and programs of the Sonoma County General Plan because:

- Cultivation of cannabis is a crop that would preserve 100% of the current site in its current state;
- The project does not propose the construction of new structures and is surrounded vegetation and intervening topography that protects it from public view;
- The character of the land will remain rural which is similar to other limited agricultural operations in the area that exist and are allowed in the area. The land does and will continue to look “rural” in nature, containing a primary residence, outbuildings, water tanks, and open spaces;
- Utilities already exist on site. Outdoor cannabis cultivation does not require installation of additional lights.
- The land use designation allows for cultivation of cannabis with a Use Permit;
- The project is located outside Riparian Corridors; and
- The project would not result in the removal of any trees; and
- The total cultivation area would cover less than 1% of the overall property acreage.
- The project would preserve the natural, visual and scenic resources of the site, avoid urban development of the site, and result in infill use of existing property consistent with General Plan Objectives LU-7.1,-9.2, -9.3, -9.4, -16.1 and -16.2 and the policies for the Resources and Rural Development Area.

Area Plan Consistency

The project is not within any designated Area Plan’s within Sonoma County.



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Zoning Consistency

1. Base Zoning Regulations: Article 10, Resources and Rural Development Zoning District (RRD)

The proposed operation meets the development criteria under the base zoning set forth in Article 10. Commercial cannabis is allowed with a use permit in compliance with Section 26-88-250 through 26-88-256. The project will meet all required setbacks, lot coverage, parcel size and density requirements.

2. Cannabis Regulations, Cannabis Ordinance No. 6245

Pursuant to the development standards for the (Resources and Rural Development Zoning District) zone and permit requirements for cannabis uses within Sonoma County Code 26-88-254, the following requirements apply to cannabis cultivation:

- 1) Medium Outdoor cannabis cultivation cannot exceed 43,560 square feet (or 1 acre) of cultivation area;
- 2) The minimum parcel size for Medium Outdoor cannabis cultivation in the Resources and Rural Development Zoning District is 10 acres; and
- 3) A single person or entity (as defined within the Zoning Code) can cultivate a combined cultivation area of one (1) acre within the County.

The proposed use complies with ordinance requirements listed above in that it involves:

- 1) A commercial cannabis operation of 15,000 sq. ft. of outdoor cultivation area.
- 2) The project site is a 57.99-acre parcel; and
- 3) The owner/applicant (a single entity), Poole Ridge Farms, LLC, holds no other lands or open cannabis permit applications tied to cannabis cultivation within the County and is, therefore, not cultivating more than one (1) acre.

3. Cannabis Setbacks-

Cannabis cultivation operations must be compliant with the development criteria and operating and standards within Section 26-88-254 (Cannabis Cultivation – Commercial) of the Zoning code.

Included within the above referenced development criteria are the following property setback standards for outdoor cultivation areas:

Property Setbacks – Outdoor. Outdoor cultivation areas and all structures associated with the cultivation shall not be located in the front yard setback area and shall be screened from public view. Outdoor cultivation areas shall not be visible from a public right of way. Outdoor cultivation areas and mixed light structures shall be setback a minimum of 100 feet from property lines and a minimum of 300 feet from residences and business structures on surrounding properties.

The outdoor cultivation would not be located in the front yard setback area and would be screened from public view due to the topography and mature perimeter vegetation facing the street. The outdoor cultivation area is over 400 feet from the nearest residence and over 1,400 feet from the second nearest residence. Therefore, the project meets all required setbacks development criteria and operating and standards within Section 26-88-254 (Cannabis Cultivation – Commercial) of the Zoning code.

4. Scenic Resources Combining Zone Designation



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The Scenic Resources Combining Zone designation is intended to “to preserve the visual character and scenic resources of lands in the county and to implement the provisions of Sections 2.1, 2.2 and 2.3 of the general plan open space element.” The subject site is further assigned a Scenic Landscape unit which requires that all structures meet the following requirements:

- 1) Structures shall be sited below exposed ridgelines;
- 2) Structures shall use natural landforms and existing vegetation to screen them from view from public roads. On exposed sites, screening with native, fire resistant plants may be required;
- 3) Cuts and fills are discouraged, and where practical, driveways are screened from public view;
- 4) Utilities are placed underground where economically practical;

The above criteria do not apply to agricultural accessory structures which do not require a use permit in the district with which this district is combined.

The Scenic Landscape Unit bisects the parcel at the eastern boundary. No new structures are proposed for the project. All cannabis products will be processed off site. The mixed light structures and proposed processing operations that were originally proposed were removed from the project’s configuration. Therefore, as the structural development of the project will be similar to the existing condition, the project would not have a substantial effect on a scenic vista or any designated scenic resources.

The proposed use complies with the development criteria listed in Section 26-64-020 of the Sonoma County Code.

Hydrology and Groundwater Supply

The existing on-site well is located in a Zone 4 Groundwater Availability area. Because of this designation, per Section 26-88-254(g)(10)(c) of the Sonoma County Code, the applicant was required to prepare a hydrogeological report to be reviewed by the Permit Sonoma Natural Resource Division. Per the Cannabis Ordinance, Section 16-88-254(g)(10)(d), the report as reviewed by Permit Sonoma Geologist, must certify that the proposed use of the groundwater supply for cannabis cultivation will not:

- 1) Result in or exacerbate an overdraft condition in basin or aquifer;
- 2) Result in reduction of critical flow in nearby streams; or
- 3) Result in well interference at offsite wells

A hydrogeologic report for the original project description, which consisted of 33,500 square feet of outdoor cannabis cultivation and 10,000 square feet of mixed light cannabis cultivation, was prepared by EBA Engineering on November 13, 2017. The report estimated groundwater recharge to the cumulative impact area is 213-acre feet per year, and future potential demand would be 11.8 acre feet per year. Since the groundwater recharge is substantially greater than demand, there would be little potential for overdraft of the project aquifer. This report concluded that the project, as proposed originally, would not significantly impact basins or nearby streams nor interfere with offsite wells or groundwater supply areas within the cumulative impact area under existing or foreseeable future use conditions

In September 2018, upon staff request, the applicant conducted an additional 24-hour pump test of the project well. Staff’s request was motivated by concerns regarding sustainability of groundwater storage accessible via the project well. In addition, Staff conducted coordination efforts with neighboring parcel owners who were



interested in having their wells monitored during the pump test for the purposes of investigating potential impacts of well pumping for the project on nearby wells and for developing information that could better define the hydraulic connection between the wells near the project site. A 24-hour duration pump test was conducted on October 24th and 25th, 2018. The Project Well was pumped for a 24-hour period at a rate of 3.0 and 2.56 gallons per minute. No discernable response was observed in neighboring wells. The pumping resulted in 6.5 feet of drawdown at the pumping well after 4 hours; drawdown decreased with the reduction in pumping rate and finished at 5.8 feet after 24 hours. Water level in the well recovered rapidly with 75% recovery within the first 50 minutes after the test. After 24 hours the well had recovered to 91.5% of the pre-test water surface elevation.

Results of the pump test were found to indicate there is little or no interaction between the Project Well and nearby wells on neighboring parcels, and use of the Project Well to support the proposed project is unlikely to have any negative impact on nearby offsite wells. The results of the pumping test indicate that the proposed cannabis cultivation would not have any negative impacts to nearby wells.

Standard conditions of approval (ATT 1, No.'s 63-67) were provided which direct the applicant/operator to install well monitoring equipment, file a well monitoring easement, and submit data to Permit Sonoma for quarterly review to verify water use.

Neighborhood Compatibility

I) Security

In adopting the Cannabis Ordinance, the Board of Supervisors found that security issues could be addressed through compliance with security and fencing requirements.

(16) Security and Fencing. A Site Security Plan shall be required subject to review and approval by the Permit and Resource Management Department. All Site Security Plans shall be held in a confidential file, exempt from disclosure as a public record pursuant to Government Code Section 6255(a). Security cameras shall be motion-sensor and be installed with capability to record activity beneath the canopy but shall not be visible from surrounding parcels and shall not be pointed at or recording activity on surrounding parcels. Surveillance video shall be kept for a minimum of 30 days. Video must use standard industry format to support criminal investigations. Motion-sensor lighting and alarms shall be installed to ensure the safety of persons and to protect the premises from theft. All outdoor and mixed light cultivation sites shall be screened by native, fire resistant vegetation and fenced with locking gates consistent with height limitations of Section 26-88-030. Fencing shall be consistent with the surrounding area and shall not diminish the visual quality of the site or surrounding area. Razor wire and similar fencing is discouraged and shall not be permitted. Weapons and firearms at the cultivation site are prohibited. Security measures shall be designed to ensure emergency access in compliance with fire safe standards. All structures used for cultivation shall have locking doors to prevent free access.

Security measures have been adequately outlined through the Cannabis operation plan which is required to comply with the above excerpt from the Cannabis Ordinance. The operation shall maintain all aspects of the approved site security plan (held confidentially at Permit Sonoma).

The submitted Site Security Plan had been reviewed by staff as part of the project and found to meet ordinance requirements. Security measures have been adequately outlined through the Cannabis operation plan, as required by the above excerpt from the Cannabis Ordinance. The operation shall maintain all aspects of the approved site security plan, including a locked and secured front entrance gate, exterior surveillance systems,



and fencing along the property line abutting Pool Ridge Road that will be further screened with fire resistant vegetation. The site is screened from public view due to the topography and mature perimeter vegetation facing the street. The entire property perimeter is fenced, and a locked gate prohibits unauthorized vehicular/pedestrian access. As the proposed cultivation would be outdoor, rather than indoor or within a greenhouse, the project would not include any lighting provisions other than required motion-detected security lighting.

II) Odor

Outdoor cannabis cultivation will typically start to emit odors about 3-5 weeks into the flowering period, generally starting in August or September and continuing until harvest in October. To address odor issues from outdoor cultivation, the County requires a 300-foot setback between outdoor cultivation and adjacent homes and businesses, and 1,000 feet from schools, parks, and other sensitive uses. Minimum setback distances were intended to allow odor dissipation by distance. Additionally, Sonoma County Code also establishes a minimum parcel size of 10 acres to avoid concentration.

The 2 nearest residences are over 400 feet to the north and northeast, and over 1,400 feet to the south from the proposed outdoor cultivation area. Additionally, the proposed cultivation sites are set back well over one thousand feet (1,000') from a school providing education to K-12 grades, a public park, childcare center, or an alcohol or drug treatment facility. The nearest sensitive uses to the project site include Guerneville Elementary which is located 5 miles to the southeast of the project site, Riverkeeper Stewardship Park located approximately 3.1 miles to the south, and Azure Acres Treatment Center located approximately 16.1 miles to the south.

The proposed cannabis cultivation operation meets the minimum parcel size requirement (10-acre parcel size required to separate operations from adjacent parcels; the parcel is 57.99 acres), exceeds the setback requirements, and potential odor impacts are further reduced due to surrounding vegetation, intervening topography, and the rural nature of the site.

Traffic

The project would utilize up to three employees at one time for commercial cannabis activities. The Cannabis Trip Generation Form lists that the project will have 9 average daily trips associated with the outdoor cultivation.

Pool Ridge Road is a shared, private access road. The closest major County-maintained road is River Road, with an average traffic value of 9,408 trips per day. The proposed project's traffic increase of 9 trips per day represents less than a 1% increase in traffic. Due to the scope of the operation and anticipated number of trips generated, the project is not anticipated to be detrimental to public roads or traffic.

Wildfire Risk

The proposed project site is located within a Cal Fire State Responsibility Area and is mapped as being within a High Fire Hazard Severity Zone.

The high fire hazard severity zone, as defined in the Sonoma County General Plan Public Safety Element, includes:



- a) wildland areas supporting medium to high fire behavior and roughly average burn probabilities; and
- b) developed/urbanized areas with more limited non-burnable surfaces and moderate vegetation cover.

The Sonoma County General Plan Public Safety and Land Use Elements contain goals, policies, and objectives that call for preserving public health, safety and general welfare, promoting orderly growth and development, ensuring new development has adequate water resources, and preventing unnecessary exposure of people and structures to fire hazards. Sonoma County Code Section 26-92-080(a) requires the following Conditional Use Permit finding for discretionary projects:

“In order to grant any use permit, the findings of the board of zoning adjustments shall be that the establishment, maintenance or operation of the use or building applied for will not under the circumstances of the particular case, be detrimental to the health, safety, peace, comfort or general welfare of persons residing or working in the neighborhood or to the general welfare of the area.”

Permit Sonoma has evaluated the wildfire risk associated with the project based on a review of several issues highlighted by General Plan Policy and Sonoma County Code Section 26-92-080(a) findings required for granting Use Permits. Staff presents the following further discussion below.

No new structures or power lines would be proposed as part of the project as a result of the applicant's revised project description. As part of the project, the applicant is proposing 33,000 gallons of water (10,000 gallons dedicated to fire suppression) and vegetation and fuel management throughout the cultivation area. The site is accessed from a private, partially gravel, dirt and paved access road which extends 2.0 miles from the nearest County-maintained public road and serves at least ten (10) other parcels. The access road ranges in width from 10 to 15 feet, contains varying slopes and is in fair condition. In addition, the site is already improved with an internal access driveway which is 0.3 miles from Pool Ridge Road to the cultivation area. The road was assessed during an onsite evaluation by the County Fire Prevention Division on August 21, 2019 and was determined adequate for fire protection. The nearest fire station to the site is Russian River Fire Protection (CAL FIRE) which is 3.2 miles (14 minutes) away. CAL FIRE (Hilton Station) is also 6.6 miles (20 minutes) away from the project site.

However, this project has the potential to be affected by wildfire hazard. Therefore, staff is proposing the following conditions to reduce wildfire risk associated with the project:

- Maintenance of the cultivation site to be clear of vegetation and fuels that will exacerbate fire risk;
- Continued vegetation management and fuel clearance on the property to serve as a Cal Fire staging area in the event of a fire;
- Construction of a hammerhead turnout next to the existing garage to serve as an emergency access area that is consistent with Sonoma County Fire Code;
- Provision of an additional 12,500 gallons of water to be reserved for fire suppression based on water supply metrics from the International Wildland Urban Interface Code 404.5 Adequate Water Supply and the distance to Russian River Fire Protection District. All water tanks must be placed on existing pads or on previously disturbed areas located on the project site.

With these conditions of approval, Staff finds the project to be consistent with General Plan policies relating to public safety and health and the findings required to be made for a Conditional Use Permit.



Environmental Analysis

This proposed project has been analyzed under the California Environmental Quality Act (CEQA) and the CEQA Guideline, California Code of Regulations. Staff has determined that the project is exempt under CEQA Section 15301, Existing Facilities and 15304, Minor Alterations to Land. The Section 15301 categorical exemption is applicable to permitting of existing private facilities, involving negligible or no expansion of use the existing or former use.

Staff has also determined that the project is exempt under CEQA Section 15304, Minor Alterations to Land and Section 15034(e), which includes “minor temporary use of land having negligible or no permanent effects on the environment...” Categorical Exemption 15304 of the CEQA Guidelines is applicable to the proposed project in that the project is limited to minor alterations in the condition of the land for agricultural purposes, and the seasonal use of the land is on a limited term basis involving negligible or no permanent effects on the environment. The applicant has submitted professionally-conducted technical reports on biology, hydrogeology, and archaeology, none of which presented potential impacts from the project. The cultivation area will continue to operate on the existing footprint that is authorized under the Penalty Relief Program. Expansion of the existing operation would be limited to the installation of water tanks and a hammerhead turnout for emergency access, which are conditions of approval and would be located in a previously disturbed area. The project would not involve any tree removal. The seasonal outdoor cannabis cultivation would generally occur between April and October, with the more intense use concentrated during harvest time from September to October, at which time a maximum of three employees would be located on site.

NEIGHBORHOOD/PUBLIC COMMENTS

On June 1, 2018, a neighborhood notification was sent to neighboring properties within 300 feet of parcel boundaries. To date, Staff has received one response in opposition to the project. Comments were received expressing concerns pertaining to neighborhood compatibility and addressing concerns about environmental issues, health and safety concerns, road access concerns, and concerns regarding compliance with the Cannabis ordinance. These comments were received in advance of a notice being sent out. Staff has received two letters of support for the project. This correspondence is attached to the Staff Report for reference (ATT 9).

RECOMMENDATIONS

Staff Recommendation

Staff recommends the Board of Zoning Adjustments hold a public hearing and APPROVE the Use Permit for 15,000 square feet of medium outdoor cannabis cultivation subject to the attached Conditions of Approval.

ATTACHMENTS

- ATT 1: Conditions of Approval
- ATT 2: Vicinity Map
- ATT 3: Aerial Map
- ATT 4: General Plan Land Use Map
- ATT 5: Zoning Map
- ATT 6: Project Proposal Statement and Operating Plan



Sonoma County Permit and Resource Management Department
2550 Ventura Avenue Santa Rosa CA 95403-2859 (707) 565-1900
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ATT 7: Site Plan

ATT 8: Site Photos

ATT 9: Public Comments

ATT 10: Notice of Categorical Exemption

ATT 11: Purple Star Biotic Assessment 20170912

ATT 12: EBA Engineering Hydro-Geological Report

ATT 13: O'Connor Environmental Pool Ridge Farms Pump Test and Well Interference Analysis

ATT 14: Trip Generation memo

ATT 15: Cal Fire Defensible Space Inspection Memo

ATT 16: Resolution